

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

An initial hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on December 8, 2008. The United States was represented by Assistant United States Attorney John O-Dell, and the defendant by Mr. Allen Bentley.

The defendant had been charged and convicted of Mail Theft, in violation of 18 U.S.C. § 1708. On or about April 1, 2005, defendant was sentenced by the Honorable Robert S. Lasnik to a term of one (1) year and one (1) day in custody, to be followed by three (3) years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in a substance abuse and mental health programs, financial disclosure, \$1,000 restitution, search and restricted employment.

In a Petition for Warrant or Summons, dated December 5, 2008, U.S. Probation Officer Calvin K. Bouma, Jr. asserted the following violations by defendant of the conditions

**SUMMARY REPORT OF U.S. MAGISTRATE
JUDGE AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE**
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01 of his supervised release:

02 (1) Failure to appear for drug testing on June 30, July 01, July 18, August 22,
03 October 3, and November 4, 2008, in violation of the special condition that he
04 participate in a program for the treatment of drug dependency to include
05 testing.

06 (2) Using marijuana and ecstacy on or about September 16, 2008, and marijuana
07 and cocaine on or about October 17, 2008, in violation of standard condition
08 number 7.

09 (3) Failure to follow the instructions of the probation officer on or about
10 November 25, and December 2, 2008, in violation of standard condition
11 number 3.

12 The defendant was advised of his rights, acknowledged those rights, and admitted to
13 the three alleged violations.

14 I therefore recommend that the Court find the defendant to have violated the terms
15 and conditions of his supervised release as to violations numbers 1, 2 and 3, and that the
16 Court conduct a hearing limited to disposition. A disposition hearing on these violations has
17 been set before the Honorable Robert S. Lasnik on December 19, 2008, at 10:00 a.m.

18 Pending a final determination by the Court, the defendant has been detained.

19 DATED this 8th day of December, 2008.

20 
21 JAMES P. DONOHUE

22 United States Magistrate Judge

23 cc: District Judge: Honorable Robert S. Lasnik
24 AUSA: Mr. John O'Dell
25 Defendant's attorney: Mr. Allen Bentley
26 Probation officer: Mr. Calvin Bouma